

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ANDREW MCINTOSH, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

VS.

VEECO INSTRUMENTS, INC., et al.,

Defendants.

BARRY LINZER, On Behalf of Himself and
All Others Similarly Situated,

Plaintiff,

VS.

VEECO INSTRUMENTS, INC., et al.,

Defendants.

BRUCE KANTOR, On Behalf of Himself and
All Others Similarly Situated,

Plaintiff,

VS.

VEECO INSTRUMENTS, INC., et al.,

Defendants.

Civil Action No. 2:05-CV-00889-LDW-ETB

ELECTRONICALLY FILED

CLASS ACTION

Civil Action No. 2:05-CV-00957-DRH-ETB

CLASS ACTION

Civil Action No. 2:05-CV-00967-LDW-ETB

CLASS ACTION

[Caption continued on following page.]

**DECLARATION OF MARIO ALBA, JR. IN SUPPORT OF OPPOSITION OF NECA-IBEW
PENSION FUND (THE DECATUR PLAN) TO COMPETING MOTIONS FOR
APPOINTMENT AS LEAD PLAINTIFF AND TO APPROVE LEAD PLAINTIFF'S CHOICE
OF LEAD COUNSEL**

<hr/>		X
GEORGE F. WALKER, Individually and On	:	Civil Action No. 2:05-CV-01003-JS-ETB
Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
VEECO INSTRUMENTS, INC., et al.,	:	
	:	
Defendants.	:	
<hr/>		
PHILIP G. COLLINS, On Behalf of Himself	:	Civil Action No. 2:05-CV-01277-LDW-ETB
and All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
VEECO INSTRUMENTS, INC., et al.,	:	
	:	
Defendants.	:	
<hr/>		
SERVAAS HOLTHUIZEN, Individually and	:	Civil Action No. 2:05-CV-01337-LDW-ETB
On Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
VEECO INSTRUMENTS, INC., et al.,	:	
	:	
Defendants.	:	
<hr/>		
GERALD J. VOGT, et al., On Behalf of	:	Civil Action No. 2:05-CV-01430-LDW-ETB
Themselves and All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiffs,	:	
	:	
vs.	:	
	:	
VEECO INSTRUMENTS, INC., et al.,	:	
	:	
Defendants.	:	
<hr/>		X

[Caption continued on following page.]

	X	
TIMOTHY JOE GROVE, On Behalf of	:	Civil Action No. 2:05-CV-01552-LDW-ETB
Himself and All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
VEECO INSTRUMENTS, INC., et al.,	:	
	:	
Defendants.	:	
	:	
	X	

I, Mario Alba, Jr., declare as follows:

1. I am an attorney duly licensed to practice before the courts of the State of New York. I am associated with the law firm of Lerach Coughlin Stoia Geller Rudman & Robbins LLP, counsel for NECA-IBEW Pension Fund (The Decatur Plan) (“NECA”), and proposed lead counsel for the class. I make this declaration in support of the Opposition of NECA-IBEW Pension Fund (The Decatur Plan) to Competing Motions for Appointment as Lead Plaintiff and for Approval of Lead Plaintiff’s Choice of Lead Counsel. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. Attached are true and correct copies of the following exhibits:

Exhibit A: May 3, 2005 Letter to Judge Sidney Stein from Samuel H. Rudman;

Exhibit B: *Thompson v. Quest Software, Inc.*, Slip Op. (C.D. Cal. Oct. 23, 2003);

Exhibit C: *Yates v. Vimpel-Communications*, Slip Op. at 3, 5 (S.D.N.Y. Apr. 29, 2005);
and

Exhibit D: Historical trading information of Veeco stock from November 1, 2003 to February 12, 2005.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 5th day of May, 2005, at Melville, New York.

/S/ Mario Alba, Jr.

MARIO ALBA, JR.